

## **REMARKS**

Reconsideration is respectfully solicited.

Applicants respectfully traverse the rejections under 35 U.S.C. 112 and the objections to the specification; however, it is believed that those rejections and objections are now moot: Original Claim 13 (in present Claim 34) supports the amendment of Claim 19 to introduce recitations concerning the polymeric desensitizing agent, as well as amendment of the specification at paragraph [40] at page 18 et seq, to recite mole weight of 100-100000; accordingly, the reasons for rejection are now moot. In accordance with the objection(s) to footnotes, footnotes 1 and 2 have been deleted as footnotes; but the subject matter of those footnotes is added to the specification paragraphs [3] and [62].

Applicants respectfully traverse the rejections under 35 U.S.C. 102.

The invention is clearly different from the process and the material disclosed by Coffee. Please see MPEP Section 2131. Coffee describes a different purpose (col. 1, lines 55-63) and a different production process resulting in a different product, as compared to that of the claims herein directed to a process. The process of Coffee is as follows:

1. Preparing a propellant nitrocellulose powder (col. 1, line 66) having spherical grain size of preferably 0.003 inch (col. 2, lines 49-55).
2. Applying a coating of non-volatile liquid di-ester (col. 1, lines 70-72). The di-ester has no solving power for nitrocellulose and only covers the surface and does not enter into the grain (col. 2, lines 12-15).
3. Optional: Mixing energizers with the surface coated powder (col. 3, lines 53-56).
4. Mixing the coated powder grains with a plastisol solvent which might be a deterrent of a energizing modifier (col. 2, lines 65-72). The plastisol solvent is compatible with

the di-ester of the Coffee-invention and reduces the time required for obtaining a uniform plastisol mixture (col. 3, line 8-11).

5. Casting the plastisol mixture having the form of a flowable paste (col. 1, lines 25-32) according to the well known plastisol process (col. 3, lines 45-48) into the desired shape of a (big) grain for rocket motors.

In contrast to Coffee, the process of the claims includes a layer diffused into the surface. The layer contains an energetic plasticizing agent and a polymeric desensitizing agent with a high solving power for nitrocellulose. As a matter of fact the invention teaches a combination of the two agents just underneath i.e. in the surface of the grain.

Coffee does not teach using an energetic plasticizing agent. Coffee also points out that the di-esters do not show a plasticizing effect (col. 1, lines 67-69). Coffee does not disclose a combination of two agents in the surface. Coffee teaches a coating on the surface.

The object of Coffee's process is to provide a powder with little or no dusting while maintaining the free-flowing characteristics. The powder charge should also be astatic and should exhibit improved wet ability by a casting solvent (col. 1, lines 55-60). The process is not finished after step No. 2. Rather more, only after applying the plastisolvent process steps No. 4 and 5, is there a propellant grain ready for use. Therefore, the person skilled in the art would not rely on Coffee to solve the problem of the invention and to get the advantages of the invention.

The U.S. PTO alleges that the where the "product appears to be the same, the burden falls on applicant.." In the Office Action, only Claims 19-37—all directed to a method—are rejected over Coffee. Thus the question presented by the record is: are method claims 19 et seq. anticipated by Coffee, who does not describe the parameters of any one of individual claims 19-37. In applicants' view, the reasoning to assert the allegation that claims 19-37 are anticipated by Coffee do not establish a prima facie case of anticipation, the parameters of which are recited in Section 2131 of the MPEP.

An early allowance is respectfully solicited.

Respectfully submitted,

Date:

*November 29 2006*

*Marina V. Schneller*

Marina V. Schneller

(Registration No. 26,032)

VENABLE, LLP

P.O. Box 34385

Washington, D.C. 20043-9998

Telephone: (202)344-4000

Telefax: (202) 962-8300

DC2DOCS1/805894